

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**FREEMAN L. JOHNSON,**

**Defendant.**

**8:03CR457**

**ORDER**

Defendant Freeman L. Johnson (Johnson) appeared before the court on October 4, 2013, on the Second Amended Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 102). Johnson was represented by Assistant Federal Public Defender Richard H. McWilliams and the United States was represented by Assistant U.S. Attorney John E. Higgins. Through his counsel, Johnson waived a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Johnson should be held to answer for a final dispositional hearing before Chief Judge Laurie Smith Camp. The government moved for detention. A detention hearing was scheduled for October 8, 2013.

On October 8, 2013, Johnson again appeared before the court. Johnson was represented by AFD Williams and the United States was represented by AUSA Higgins. The court heard the testimony of Senior U.S. Probation Officer Todd M. Enger. Also, the court was provided a copy of the Discharge Summary from the Omaha Campus For Hope reflecting Johnson left the facility without authorization on September 25, 2013. Thereafter he failed to keep in contact with Officer Enger and failed to keep a 3:30 p.m. appointment with Officer Enger. While Johnson proffered he would seek substance abuse treatment at an inpatient facility, Johnson was on release pending the dispositional hearing on a previous occasion (Filing No. 101) on the condition that he abide by the conditions of his supervised release to include adherence to the instructions of his probation officer. Since it is Johnson's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Johnson has failed to carry his burden and that Johnson should be detained pending his dispositional hearing before Chief Judge Smith Camp.

**IT IS ORDERED:**

1. A final dispositional hearing will be held before Chief Judge Laurie Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 10:00 a.m. on December 5, 2013.** Defendant must be present in person.

2. Defendant Freeman L. Johnson is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 8th day of October, 2013.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge